

DOCKET NO. 220741US6PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
TAKANORI NISHIMURA, ET AL. : EXAMINER: DAFTUAR, S.  
SERIAL NO: 10/089,083 :  
FILED: APRIL 10, 2002 : GROUP ART UNIT: 2151  
FOR: METHOD OF USING SERVER, :  
SERVER RESERVATION CONTROL  
APPARATUS AND PROGRAM STORAGE  
MEDIUM

**REPLY BRIEF UNDER 37 C.F.R. §41.41**

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

The present Reply Brief is presented in order to point out and respond to errors in the Examiner's Answer (hereinafter EA) relating to the misinterpretations of the Nakamura and Wiser references and claims under appeal.

I. Distribution of Content Data Received from Client

The EA asserts that "it is unclear which network appellant is trying to transmit content from user terminal apparatus to distribution server... and which network said content data received by distribution server from said user terminal apparatus."<sup>1</sup> In this regard, the present claims, in view of the "Summary of The Claimed Subject Matter" provided in Appellant's Appeal Brief, clearly identify the role of each of "the first network" and the "second network" in the claimed invention.

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<sup>1</sup> EA, p. 20, second paragraph.

In asserting that the “first network” and “second network” existence is unclear, the EA states that:

“Appellant discloses that transmitting content from user terminal apparatus to a distribution server via second network. However, in contrary, appellant also discloses at content distribution server, ‘said content data received from said user terminal apparatus over said first network.’”<sup>2</sup>

The quoted portion of the claim (“said content data received from said user terminal apparatus over said first network”) is improperly taken out of context. This claimed feature, in its entirety, recites “broadcasting, by the content distribution server, said content data received from said user terminal apparatus over said first network.” Thus, the content data received from the user terminal apparatus via the second network is broadcast *by the content distribution server*... over said first network.

In light of the continued misinterpretation of the features of the independent claims as they relate to the existence of the “first network” and the “second network,” below is a more detailed description of the claimed invention.

Independent Claim 1 recites “sending reservation request information... from a user terminal apparatus to a reservation control apparatus via a first network...” As described at Fig. 1 and p. 15, lines 13-19 of the specification, the reservation request information is sent from the user terminal apparatus (106) to the server reservation control center (101) via the Internet (103). Thus, the “first network” used to send the request information is the Internet (103). Similarly, Claim 1 recites that when the reservation for use of said distribution server is accepted, reservation setting information is sent from the reservation control apparatus (101) to the user terminal (106) via the first network (e.g., Internet (103)).

The user terminal apparatus (106) uses the received reservation setting information to gain access to a content distribution server (e.g., streaming server 102) at a requested time,

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<sup>2</sup> Id.

and transmits "content from the user terminal apparatus to the distribution server via a second network." As described at Fig. 1 and pp. 45-48, this "second network" is the dedicated server connection network (108), which is "provided to carry out live distribution in the personal casting service." The dedicated server connection network (108) is used to "secure the transmission path and transmission band of content data from the user PC 106 to the streaming server 102." As described at pp. 45-48 of the specification, the dedicated server connection network (108) (e.g., the second network) is used, instead of the Internet (103), to transmit content from the user terminal apparatus (106) to the streaming server (102) because the user terminal apparatus' (106) connection to the Internet (103) may be unstable and not suited for streaming distribution of content.

Claim 1 also recites "broadcasting, by the content distribution server, said content data received from said user terminal apparatus over said first network." As described at pp. 48-49, the content data received from the user terminal apparatus (106) is broadcast by the streaming server (102) over the Internet (103) (e.g., the first network) to each of a plurality of client PCs (107).

Thus, in contrast to the assertion set forth in the EA, the present claims are clear regarding the existence of the "first network" and "second network," and how each are implicated in the claim language.

## II. Interpretation of Nakamura

The EA maintains the assertion that that Nakamura teaches the steps of "transmitting content from the user terminal apparatus to the distribution server via a second network," and "broadcasting, by the content distribution server, said content data received from said user terminal apparatus over said first network." Appellants respectfully traverse this assertion, as next discussed.

Specifically, in addressing the “transmitting content” feature, the EA relies on Fig. 1 of Nakamura, and states that “the examiner considers data [content] transmitted from 101 client to 120 server as transmitting content from the user terminal apparatus to the distribution server via a second network.”<sup>3</sup> Nakamura describes that:

“In an on-demand communication system thus constructed, in order to obtain a multimedia title of the desired date stream from server 120, a viewer transmits a request of the multimedia title information from remote controller 141 to external input interface unit 111 in client 101. Next, client 101 transmits the request to server 120 via network 130, obtains the information from server 120, and stores the information in reproduction schedule table in reproduction table storage unit 113.”<sup>4</sup>

The user is then able to send a request to the server I/O unit 122 via network 130 for the reproduction of a data stream selected from one of the reproduction schedule tables.<sup>5</sup>

Thus, Nakamura describes that the data transmitted from the client 101 to the server 120 is either a request for a reproduction schedule table, or a request for the reproduction of a data stream from server 120 based on a selection from the reproduction schedule. However, these requests transmitted from the client 101 to the server 120 are not ***broadcast by the content distribution server.***

Instead, as described at col. 2, lines 16-38 of Nakamura the data broadcast by the server 120 is a data stream. While this data stream may be in response to the request information received from the client 101, it is not the request information itself. More particularly, the data broadcast by the server 120 is not content data transmitted to the distribution server from the user terminal apparatus, as required by the pending independent claims.

The EA appears to concede this point by asserting that “the examiner considers data received by plurality of 101 clients from 120 server as broadcasting, by the content

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<sup>3</sup> EA, p. 22.

<sup>4</sup> Nakamura, col. 1, lines 53-67.

<sup>5</sup> Id., col. 2, lines 1-14.

distribution server, said content data received from said user terminal apparatus over said first network.”<sup>6</sup> As noted above, the data received by the client 101 is a data stream based on a request from a client device 101, but is not the data received at the server 120 from the client device 101, as required in the pending independent claims.

Thus, Nakamura clearly fails to teach or suggest the steps of “transmitting content from the user terminal apparatus to the distribution server via a second network,” and “broadcasting, by the content distribution server, said content data received from said user terminal apparatus over said first network.”

### III. Motivation

The EA, states that it would have been obvious to combine the teachings of Nakamura with Wiser because

...it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to provides (sic) a secure online on demand distribution system that provides consumers with flexibility and ease of use in the selection, previewing, downloading, and transporting digital media over the internet, and that provides security of the media through the distribution system<sup>7</sup> (emphasis added).

Applicants respectfully traverse this assertion, and note that the arguments presented below are substantially similar to those presented in Appellant's Appeal Brief.

Recently, the number of users wishing to broadcast live feeds from desktop computers, or other similar client devices, over the internet has increased dramatically. Such an increase in demand has resulted in a strain of resources at streaming servers, which are configured to relay such broadcasts over the internet to a plurality of users. Specifically, problems occur when a plurality of clients attempt to access the streaming server to broadcasts content simultaneously. In view of such limitations, the present invention

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<sup>6</sup> EA, p. 22.

<sup>7</sup> Id., p. 23.

provides a secure resource reservation system that allows users to reserve broadcast bandwidth at a streaming server in advance to allow for more efficient utilization of the streaming server's resources.<sup>8</sup>

As outlined above in section (B), Nakamura describes a method by which a user is able to send a request from a client device to a server to schedule access to an on demand data stream. At no point does Nakamura discuss a system which allows users the ability to schedule resources in a streaming server to transmit data from a client device to a streaming server for broadcast. Instead, Nakamura is directed to requesting that a particular stream of data be received by the client at a predetermined time. Thus, Nakamura's client device (101) fits a role similar to the client devices (107), shown in Fig. 2 of the present specification.

Similarly, Wiser describes a computer implemented on-line music distribution system that provides for the secure delivery of audio data and related media over a network.<sup>9</sup> The client devices in Wiser's system are similar to those in Nakamura, in that said client devices are used to download or receive data. As noted above, the present claims specifically recite that the user terminal apparatus is used to schedule resources in a streaming server and send data *to* the server to be broadcast.

Simply stated, the client devices, and general systems designs of both Nakamura and Wiser relate to downloading content at a client, and do not teach or suggest scheduling the uploading of content from a client device to a streaming sever, as claimed. Applicants' claimed invention, therefore, is not directed to providing a secure online demand distribution system, but instead relates to transmitting data from a client device to a streaming server, or, in other words, uploading content data from a client device from a streaming server, not distributing such content.

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<sup>8</sup> Specification, pp. 4-6.

<sup>9</sup> Wiser, Abstract.

In this regard, the motivation provided by the Examiner is provide "...ease of use in the selection, previewing, downloading, and transporting digital media over the internet..." is irrelevant to Applicants' claimed invention. As noted above, the claimed invention is directed to scheduling resources in a streaming server to send, or upload, the contents data to the server. There is simply no motivation for modifying Nakamura's method of scheduling on demand content viewing service, with Wiser's music download system in the context of Applicant's claimed invention.

#### IV. Conclusion

The assertion in the EA, questioning the "existence of first network and second network" is unfounded, and is based only on a phrase from the claims which was taken out of context. As discussed in detail above, Claim 1 recites that content is transmitted "from the user terminal apparatus to the distribution server via a second network," and the content data received from the user terminal apparatus is broadcast by the content distribution server over "the first network." Thus, the existence of the "first network" and the "second network" is clearly defined in the pending claims.

Further, Nakamura fails to teach or suggest the steps of "transmitting content from the user terminal apparatus to the distribution server via a second network," and "broadcasting, by the content distribution server, said content data received from said user terminal apparatus over said first network." The EA cites portions of Nakamura describing that requests are transmitted from the client (101) to the server (120), and streaming video is transmitted from the server (120) to the client (101), but fails to teach or suggest that the same data received at the server (120) from the client (101) is also broadcast by the server (120).

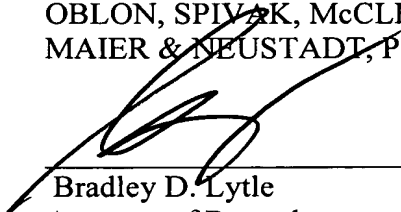
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Reply to The Examiner's Answer Mailed October 18, 2006

Lastly, the EA fails to address the arguments presented in Appellant's Appeal Brief regarding the lack of motivation to combine the Nakamura and Wiser references.

Respectfully submitted,

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